Commissioner for Patents
Amendment dated April 7, 2005
Response to Office Action dated December 21, 2004
Page 7 of 12

Serial No.: 09/974982
Art Unit: 2155
Examiner: Lesniewski
Docket No.: AUS9 2001 0691 US1

REMARKS/ARGUMENTS

Claims 1-27 were presented and examined. The Examiner rejected claims 1-27 under 35 USC § 103(a), as being unpatentable over van Hoff (U.S. Patent No. 6,381,631, in view of Fernandez *et al.*, "An Abstract Authorization System for the Internet", hereinafter referred to as "Fernandez". In this response, Applicant has amended claims 1-4, 6-8, and 10-24, canceled claims 25-27, and added claims 28-30. Claims 1-24 and 28-30 are pending. Applicant wishes to thank the Examiner for taking the time to discuss this application with the undersigned representative of Applicant.

Claim rejections under 35 USC § 103(a)

The Examiner rejected claims 1-27 under Section 103(a) as being unpatentable over van Hoff in view of Fernandez.

In response to the rejection of independent claim 1 and its dependent claims, Applicant has amended claim 1 to specify that determining whether a client has access authority to a requested document includes determining whether the client has previously accessed a document that provides context for the requested document. Because support for this amendment is found in the specification as filed (see, e.g., paragraph beginning on page 7, line 14), the amendment introduces no new matter.

The cited references do not teach or suggest the limitations recited in the amended claim. As acknowledged by the Examiner in the Office Action, van Hoff does not teach or suggest determining context restrictions on requested documents. van Hoff does not contain any such teaching or suggestion because van Hoff is exclusively concerned with <u>network</u> authentication, namely, the processes and procedures by which users gain access to local and remote networks including third party networks. As such, van Hoff says little if anything regarding access authority <u>to individual documents</u>.

Supporting the Section 103(a), the Office Action relies on Fernandez. Fernandez describes an abstract model for an authentication method. Fernandez teaches that an authentication model may use rules of the form <S, O, T, P> where S indicates the user (subject), O indicates a document or component of a document, T indicates a valid access type and P indicates a predicate that constraints access. Fernandez goes on to give specific examples of

authorization rules that might be developed under the proposed model. The three specific examples disclosed in Fernandez recite include a rule in which secretaries can modify forms in their own department, university presidents can create new forms, and graduate students can submit certain types of applications. In each of these examples, the authorization rules define authorization in terms of the relationship between the users (subjects) and the requested documents. In other words, the authorization rules described by Fernandez use the authorization predicate to confine authorization to documents based on the status of the <u>different users</u>.

The authorization model described in Fernandez does not suggest the limitations of amended claim 1. Fernandez does not suggest an access authorization model in which access to one document is predicated upon the <u>same user's</u> previous access to another document. In contrast to the authorization rules based on user status taught by Fernandez, amended claim 1 recites an authentication mechanism that is based on a relationship between the document being requested and other documents and, more specifically, other documents that the user has accessed previously accessed.

Assuming, for the sake of this discussion, that the Fernandez authorization model is so broad as to encompass all possible predicate authorization scenarios including the predicate recited in amended claim 1 does not end the obviousness inquiry. MPEP § 2144.08 contains guidelines for determining whether the disclosure of a broad genus is sufficient to render a claimed species obvious. Although the MPEP discussion of this topic is limited to chemical compound situations, Applicant would submit that the reasoning is applicable to other technology areas. Referring to the flow diagram depicted at the end of MPEP 2144.08, Applicant submits that the determination of whether a broad disclosure of a genus renders a claimed species obvious is largely determined by the scope of the genus and the express teaching in the reference.

The scope of the disclosed genus has a bearing on the obviousness of any species encompassed within the genus. When a genus encompasses only a small number of species, this fact would tend to weigh in favor of the obviousness of any claimed species. In the present case, however, the Fernandez authorization model arguably encompasses any authorization implementation that includes a predicate as part of the authorization rule. As such, Applicant submits that the scope of the Fernandez authorization model is too broad to render all species that fall within it obvious.

Commissioner for Patents
Amendment dated April 7, 2005
Response to Office Action dated December 21, 2004
Page 9 of 12

Serial No.: 09/974982
Art Unit: 2155
Examiner: Lesniewski
Docket No.: AUS9 2001 0691 US1

When the genus is too broad to make all of its component species obvious, the obviousness inquiry then focuses on whether the express teaching of the reference would have motivated one to selected the claimed species. In the present case, the express teaching of Fernandez would not motivate one to select the authorization implementation recited in amended claim 1 because, as indicated previously, the express teachings of Fernandez are limited to authorization models in which authorization to a document is based on the user status. In contrast, the authorization implementation recited in claimed 1 is based on a relationship between a first document and a second document. This fundamental distinction between Fernandez and the claimed invention is beyond the scope of what is suggested by Fernandez.

When the express teachings of the cited reference do not motivate one to select the claimed species, the obviousness inquiry determines whether there is a teaching of structural similarity or any other teaching to support the selection of the species. Applicant submits that the cited references in this case contain no such teaching. Accordingly, Applicant believes that the amended claim 1 recites subject matter neither taught nor suggested by the cited references and Applicant respectfully requests the Examiner to reconsider and withdraw the Section 103(a) rejection of claim 1 and its independent claims. Analogous arguments apply to amended independent claim 10 and amended independent claim 19.

With respect to dependent claims 2-4, Applicant has amended to recite that the determination of whether a client has previously accessed a document includes determining whether cookie information in the client request indicates that the client has previously access the document that provides context for the requested document. Because support for these amendments are found in the specification as filed (see, e.g., paragraph beginning on page 8, line 25), no new matter is introduced by these amendments. The cited references do not teach or suggest the use of cookie information in enforcing authorization to context-restricted documents. The originally submitted claims recited "state information" in lieu of the "cookie information" recited in the amended claims. The Examiner found support for the rejection of "state information" limitations in column 6 of Fernandez, which discusses the exchange of digital certificates between a client and a remote network. Applicant submits that because Fernandez is describing a digital certificate technique for authorizing a client to a remote network, Fernandez does not teach or suggest using cookie information contained in a client request to determine

Commissioner for Patents
Amendment dated April 7, 2005
Response to Office Action dated December 21, 2004
Page 10 of 12

Serial No.: 09/974982
Art Unit: 2155
Examiner: Lesniewski
Docket No.: AUS9 2001 0691 US1

whether the requestor has authority access to the requested document. Analogous reasoning applies to dependent claims 11-13 and 20-22.

With respect to dependent claims 6-8, Applicant has amended to recite an indirect access authority based on information in the referer field in a header of the request. Because support for these amendments are found in the specification as filed (see, e.g., paragraph beginning on page 9, line 12), no new matter is introduced. The Examiner found support for rejecting originally submitted claim 6 in the description of van Hoff regarding a mechanism by which a user, having authenticated himself to a connection manager can then connect to other networks without re-authenticating. Applicant submits that the van Hoff discussion of connecting to remote networks based on previous authentication to a connection manage does not teach or suggest the use of the referer field in a client request to determine whether the client has access authority to a requested document. Accordingly, Applicant would respectfully request the Examiner to reconsider and withdraw the rejections of claims 6-8. Analogous arguments apply to claims 15-17 and to claim 24.

Applicant has also amended claims 10-24 to replace the "code means for" language with "instructions for" language. These amendments are not made for any purpose related to patentability, but are made because Applicant believes that the amended language improves the clarity of the claims.

In addition to the foregoing, Applicant has submitted a new independent claim 28 and two new dependent claims 29 and 30. Claim 28 recites a computer program product including instruction for determining whether a first document is context restricted document that is accessible only after accessing a preceding document and instructions for processing cookie information in a client request to determine whether the client has accessed a preceding document that provides the context for the requested document. Support for these claim limitations are found in the specification as filed (see, e.g., paragraph beginning on page 8, line 25). This new independent claim recites an embodiment of the invention in which access to a document that is part of a series of documents is made accessible to the client only after the client accesses a document which precedes the requested document thereby enabling the server to control the sequence in which a client accesses, for example, a multi-page document. In

addition, claim 28 recites that the claimed program product processes cookie information to determine whether the client has previously accessed the predicate document.

The cited references neither disclose nor suggest the limitations recited in claim 28. van Hoff, as discussed previously, is solely concerned with the way in which users connect to networks generally. Fernandez describes only a broad authorization model without any teaching or suggestion that would motivate one to implement the specific implementation recited in claim 28. More specifically, Fernandez only motivates one to implement various authorization mechanism in which access to documents is predicated upon a user's status or classification. As such, the cited references do not teach or suggest the limitations of the new claim. New claim 29 further refines claim 28 to recite that the cookie information is sent to the client when the client access the preceding document and that the cookie indicates the location of the requested document. New claim 30 refines claim 29 even further by reciting the that cookie information sent following the client accessing the preceding document indicates a directory path of the requested document. The cited references contain no teaching or suggestion of these limitations.
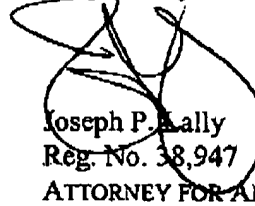
CONCLUSION

In this response, Applicant has addressed the Examiner's claim rejections under 35 USC § 103(a). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,

Joseph P. Lally
Reg. No. 38,947
ATTORNEY FOR APPLICANT(S)

LALLY & LALLY, L.L.P.
P.O. Box 684749
Austin, Texas 78768-4749
512.428.9870
512.428.9871 (FAX)

JPL/mmm